

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

REBEKAH J ELLENWOOD
Claimant

TARGET CORPORATION
Employer

APPEAL 21A-UI-08417-S2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/19/20
Claimant: Appellant (1)

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed an appeal from the March 23, 2021, (reference 01) unemployment insurance decision that denied benefits based upon her voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on June 8, 2021, and consolidated with the hearing for appeal 21A-DUA-01396-S2-T. Claimant Rebekah J. Ellenwood participated and testified. Employer Target Corporation participated through manager Summer Brauning and human resources employee Tayler Metzger.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a team member from July 9, 2018, until February 10, 2021, when she quit.

Claimant was on a leave of absence because of a high risk pregnancy and the delivery of her child. Her leave expired on January 21, 2021, but claimant did not want to return to work, because she was concerned about contracting COVID-19 at work. If she became ill, she did not have anyone else to care for her children. Further, her husband was often on call for his job during the weekends, and if he was called into work she would need to leave work immediately to care for her children. Claimant spoke to human resources about her options, which included not returning from her leave or being scheduled and not showing up, both of which would be considered voluntarily quitting. On February 10, 2021, claimant verbally submitted her resignation to Ms. Brauning effective immediately.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

Iowa Admin. Code r. 871-24.25 provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

(23) The claimant left voluntarily due to family responsibilities or serious family needs.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

Claimant's verbal resignation is both evidence of her intention to sever the employment relationship and an overt act of carrying out her intention. Here, claimant went on approved leave of absence, but she failed to return and offer her services after claimant's leave ended on January 21, 2021. Claimant was gone for more than 10 days for personal reasons. As a result, the claimant is disqualified from benefits under Iowa Admin. Code r. 871- 24.25(20). Further, claimant was concerned about returning to work because she had no one to care for her children if she became ill so would not return to work. While claimant's leaving may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits are denied effective February 7, 2021.

DECISION:

The March 23, 2021, (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.



Stephanie Adkisson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

June 22, 2021
Decision Dated and Mailed

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